

Message Text

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TO AMEMBASSY BONN IMMEDIATE

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AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

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C O N F I D E N T I A L USBERLIN 395

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, GW, GE, UR

SUCJECT: DECEMBER 19 INNER-GERMAN PACKAGE--

REICHSBAHN CONSTRUCTION IN WSB

1. SUMMARY: ALLIES AND SENAT HAVE MADE APPROACHES TO SOVIETS AND GDR RESPECTIVELY URGING COMPLIANCE WITH ALLIED ORDER CONCERNING CONSTRUCTION IN WEST BERLIN. GDR IS CONTINUING TO STONEWALL, AND PRESS IS SHOWING INCREASING INTEREST. ALLIES ARE CONSIDERING FURTHER MEASURES TO ENCOURAGE COMPLIANCE. END SUMMARY.

2. CHAIRMAN (U.S.) POLAD CALLED ON SOVIET EMBASSY REP TRENDELEV (KHOTULEV IS ILL) TO MAKE FOLLOWING STATEMENT FEBRUARY 27:

--AS THE SOVIET EMBASSY KNOWS, THE ALLIES REQUIRE THAT REICHSBAHN CONSTRUCTION PLANS BE SUBMITTED FOR PRIOR APPROVAL TO THE ALLIED AUTHORITIES. THIS IS A LONG-STANDING REQUIREMENT THAT HAS ALWAYS BEEN COMPLIED WITH
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BY THE REICHSBAHN IN THE PAST. BK/O(75)15, WITH WHICH

THE SOVIET EMBASSY WILL BE FAMILIAR, MERELY REPEATED AND RESERVED THIS LEGAL POSITION IN CONNECTION WITH THE RECENT INNER-GERMAN AGREEMENT. THE EMBASSY WILL ALSO BE FAMILIAR WITH THE COMPARABLE REGULATIONS OF THE EARLIER BK/O(49)217, WHICH REQUIRES ALLIED APPROVAL FOR REMOVAL OF REICHSBAHN PROPERTY.

--THE SOVIET SIDE MAY ALSO BE AWARE THAT THE REICHSBAHN HAS ALREADY BEGUN CONSTRUCTION ON AT LEAST SOME OF THESE PROJECTS WITHOUT OBTAINING THE NECESSARY APPROVALS. THIS HAS ALREADY COME TO PUBLIC ATTENTION THROUGH THE PRESS.

--THE ALLIES DO NOT WISH TO HAVE A PUBLIC CONFRONTATION ON THIS, AND THEY HAVE BEEN TREATING THE MATTER IN A LOW-KEY FASHION SO AS TO FACILITATE ROUTINE WORKING-LEVEL COMPLIANCE BY THE REICHSBAHN. WE THINK IT IS IN OUR COMMON QUADRIpartite INTEREST AND RESPONSIBILITY THAT MATTERS REMAIN QUIET BUT OUR PATIENCE IS NOT INEXHAUSTIBLE, AND WE WILL HAVE TO TAKE APPROPRIATE ACTION IF THE REICHSBAHN PERSISTS IN AN EFFORT TO CHANGE THE EXISTING SITUATION.

3. TRENDELEV ACCEPTED STATEMENT FOR INFORMATION AND SAID RESPONSE WOULD BE MADE IN DUE COURSE. HE EXPRESSED AS "PERSONAL" VIEW THAT IT WAS ALLIES, NOT REICHSBAHN, THAT WERE ATTEMPTING TO CHANGE EXISTING SITUATION. HE AGREED WITH POLAD'S POINT THAT QUIET RESOLUTION OF AFFIAR WAS IN INTEREST OF ALL CONCERNED BUT SAID THA EFFORT BY ALLIES TO INTERVENE IN REICHSBAHN MATTERS WAS NO "QUIET THING." WHEN TRENDELEV SAID THAT HE KNEW OF NO PRIOR CASE OF REICHSBAHN REQUESTING ALLIED APPROVAL FOR CONSTRUCTION PROJECTS IN WESTERN SECTORS, POLAD PROMISED TO SEND HIM COPIES OF RELEVANT DOCUMENTS. WE ACCORDINGLY DELIVERED TO SOVIET EMBASSY MARCH 1 COPIES OF DOCUMENTS ILLUSTRATING REICHSBAHN APPLICATIONS AND U.S. MISSION APPROVALS FOR SEVERAL MAJOR AND HALF-DOZEN ROUTINE CONSTRUCTION AND RENOVATION PROJECTS IN U.S. SECTOR SINCE 1972.

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4. SENAT REP FROM OFFICE OF SENATOR FOR BUILDING AND CONSTRUCTION MADE POINTS OUTLINED REFTELS FEBRUARY 27 TO GDR DELEGATION MADE UP OF TWO REICHSBAHN OFFICIALS AND REPRESENTATIVE OF FOREIGN OFFICE. GDR FOREIGN OFFICE REP BURGER TOOK LEAD IN RESPONDING SAYING THAT GDR HAD GIVEN DETAILED DESCRIPTION OF WORK IT INTENDED TO DO WHEN AGREEMENT CONCLUDED WITH SENAT DECEMBER 19, AND MINISTRY OF TRANSPORT HAD EXPANDED ON THIS WITH LETTER FEBRUARY

16 EXPLAINING NEED FOR ADDITIONAL LAND. THIS INFORMATION WAS FULLY SUFFICIENT ACCORDING TO BURGER, AND THERE WAS NO NEED TO SUPPLEMENT IT. THE SENAT WAS WELCOME TO INFORM WHOMEVER IT WISHED ON ITS SIDE, BUT THAT WAS SENAT'S BUSINESS. BURGER EMPHASIZED THAT GDR WAS INTERESTED IN TIMELY FULFILLMENT OF AGREEMENT, WORK HAD THEREFORE ALREADY BEGUN AND WOULD CONTINUE. BURGER ALSO REJECTED SENAT REP'S PROTESTATION THAT SENAT WAS ABLE TO TALK ONLY ON TECHNICAL LEVEL WITH REICHSBAHN OFFICIALS NOT WITH FOREIGN OFFICE SAYING GDR HAD CONCLUDED AGREEMENT WITH SENAT DECEMBER 19 AND WOULD USE WHOMEVER IT WISHED FOR FURTHER NEGOTIATIONS.

5. SENAT REP NOTED THAT DECEMBER 19 AGREEMENT HAD BEEN CONCLUDED ON BASIS OF EXISTING LEGAL SITUATION WHICH INCLUDED NEED FOR REICHSBAHN TO CONTINUE TO COMPLY WITH REQUIREMENT FOR PRIOR ALLIED APPROVAL BEFORE CARRYING OUT CONSTRUCTION. BURGER RESPONDED THAT AGREEMENT CONTAINED NO PROVISION FOR FURTHER APPROVALS.

6. PRESS IS BEGINNING TO DEMONSTRATE INCREASING INTEREST IN POSSIBLE GDR-ALLIED CONFRONTATION. SPRINGER PRESS, WHICH CARRIED ORIGINAL STORY NOTING THAT CONSTRUCTION HAD BEGUN AT WANNSEE, IS MAKING DAILY CHECKS ON PROGRESS OF WORK. DER ABEND PICKED UP STORY MARCH 1 WITH FRONT PAGE HEADLINE PIECE DECLARING THAT "THE WESTERN POWERS ARE MAKING A FRONT AGAINST THE GDR." DESPITE RATHER SENSATIONALIST HEADLINE, STORY ITSELF IS FAIRLY TAME AMOUNTING ESSENTIALLY TO A RECAPITULATION OF DECEMBER 19 AGREEMENT AND ISSUANCE OF BK/O(75)15. IT DESCRIBES WORK THUS FAR CARRIED OUT AS MERELY "PRELIMINARY" TO BASIC CONSTRUCTION AND NOTES, WITHOUT EXPANDING ON IT, CONFIDENTIAL

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THAT ALLIED REPS VISITED SITE LAST WEEK TO SEE WORK FOR THEMSELVES. ALLIED SPOKESMAN HAS REFERRED PRESS QUERIES TO US SPOKESMAN SINCE WANNSEE LOCATED IN US SECTOR. IN RESPONSE TO NUMEROUS QUERIES, US SPOKESMAN HAS CONFIRMED FACT OF ALLIED VISIT TO REICHSBAHN PROPERTIES, RESTATED ALLIED POSITION AS ISSUED IN BK/O AND ADDED THAT ALLIES EXPECT THAT REICHSBAHN CONSTRUCTION PLANS WILL BE SUBMITTED FOR APPROVAL AS REQUIRED. IN RESPONSE TO QUESTIONS CONCERNING POSSIBLE ALLIED APPROACHES TO GDR AUTHORITIES US SPOKESMAN HAS AVOIDED COMMENT EXCEPT TO POINT OUT THAT ALLIES DEAL WITH SOVIETS AND NOT GDR ON BERLIN MATTERS.

7. COMMENT: POLADS WILL MEET AT LUNCH MARCH 2 TO CONSIDER

FURTHER STEPS, AND WE WILL REPORT RESULTS IMMEDIATELY. GEORGE

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